

**REMARKS****REJECTIONS UNDER 35 U.S.C. § 103**

The Examiner has rejected claims 1, 2, 5-7, 23-29, and 31-36 as being unpatentable over Collins '461 in view of Demou '782, as evidenced by Pennings '579. According to the Examiner, Collins teaches a carpet pad comprising a polyurethane foam upper layer 132, a polyurethane foam lower layer 130 reinforced with scrap rubber from recycled tires, and a polyethylene liner 94. The Examiner further notes that Collins teaches that the bottom foam layer 130 can be formed from an *isocyanate compound* (emphasis added) and polyol, but incorrectly states that "Collins [also] discloses the bottom foam layer made from *polyisocyanurate* (emphasis added)." Despite the Examiner's contention, Collins does not disclose a foam layer made from polyisocyanurate. Claim 1 is now limited to foam cores with such polyisocyanurates, and, therefore, Collins, together with the other cited references, cannot satisfy the language of independent claims 1 and 32.

Additionally, to the extent that the Examiner applies Collins in an obviousness rejection, it is submitted that those of skill in the art would not be motivated to seek out polyurethane carpet padding arts to either solve any problems encountered in or improve the roofing recovery board arts. The arts are simply non-analogous. This argument is particularly relevant in light of the amendment to the preamble, which breathes more life into the claims, particularly when compared to cited art such as Collins.

In light of the foregoing, the claim rejections based on Collins are overcome, and reconsideration is respectfully requested. For example, claim 30 is rejected over Collins in view of Demou and Joubert '920, and that rejection fails because Collins cannot satisfy the polyisocyanurate limitation.

Claims 1, 2, 5-7, and 23-36 are rejected as being unpatentable over Clayton '092 in view of Blount '624 as evidenced by Pennings. The Examiner submits that Clayton teaches much of the claimed limitations, but is silent as to a foam core being reinforced with a filler material. The Examiner turns to Blount for the suggestion to incorporate rubber waste into the recovery boards taught by Clayton. Particularly, the Examiner notes that Blount teaches a rigid foam composite material for use in structural building materials comprising a polyurethane foam reinforced with a rubber waste, and

holds that it would have been obvious to one having ordinary skill in the art to use ground rubber with the foam core of Clayton. Applicant respectfully disagrees.

As with Collins, Blount does not address isocyanurate recovery boards, but instead addresses flame-retardant polyurethane products formed by reacting salt-forming compounds in a polyol and/or a polyisocyanate and then reacting the polyol and polyisocyanate. This is an important distinction because those of ordinary skill in the art will appreciate that increased temperatures are needed to achieve the isocyanurate trimerization reaction necessary to produce an isocyanurate foam with an iso index greater than 200. One would not be motivated to add the fillers such as those listed by Blount (chalk, talcum, dolomite, gypsum, clay, anhydrite, glass, and carbon) because those fillers would act as a heat sink and frustrate the trimerization reaction. At best, Blount simply teaches that it might be obvious to try incorporating scrap rubber material into polyurethane products. Particularly, at column 13, Blount is silent as to why one would be motivated to add such fillers. Blount simply states that such fillers may be added “[f]or many purposes,” column 13, line 25.

The above argument also applies to the Examiner’s double patenting rejections, which all rely on Clayton and Blount. While it is true that a portion of the Examiner’s double patenting rejection relates to Clayton 6,044,604, it will be appreciated that both Clayton references are relied upon for the same reasons. That is, the application of Clayton ‘092 is not different than the application of Clayton ‘604, and the combination fails for the same reasons as given with respect to Clayton ‘082. Accordingly, Applicants maintain that the double patenting rejections are improper, and reconsideration is respectfully requested.

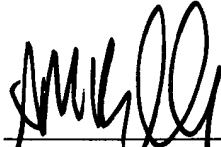
### **CONCLUSION**

In view of the foregoing amendments and arguments presented herein, the Applicants believe that they have properly set forth the invention and accordingly, respectfully requests the Examiner to reconsider the rejections provided in the last Office Action. A formal Notice of Allowance of claims 1, 2, 5-7, and 21-36 is earnestly solicited. Should the Examiner care to discuss any of the foregoing in greater detail, the undersigned attorney would welcome a telephone call.

No fee is believe due with the filing of this amendment, nonetheless, in the

event that a fee required for the filing of this document is missing or insufficient, the undersigned attorney hereby authorizes the Commissioner to charge payment of any fees associated with this communication or to credit any overpayment to Deposit Account No. 06-0925.

Respectfully submitted,



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April 6, 2005